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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,174	03/17/2004	Li Huiquan	HUAHE-0005	3844

7590 02/13/2006

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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,174	Applicant(s) HUIQUAN, LI	
	Examiner Andre' L. Jackson	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,487,963 to Wu. Wu discloses a grill device comprising a lower housing (3), an upper housing (4), a button (323), an upper housing hinge plate (412), a lower housing hinge plate (312), and a locking plate (52); wherein the lower housing and the upper housing are interconnected by the upper and lower housing hinge plates respectively; wherein the structure of the upper and lower hinge plates between the lower housing and the upper housing is as follows: the upper housing hinge plate is attached on the upper housing and interconnected with the lower housing hinge plate; the locking plate is movable and is attached on the lower housing to lock rotatable arms (433) of the upper housing hinge plate, the locking plate is linked with the button through a side wall of the lower housing; and the button has resetting springs (512).

As to claims 2, 3 and 5, an upper side of the locking plate is joined at a lower edge of the upper housing hinge plate, which covers left and right sides of a projection of a hinge point (332, 433) as a distance between the hinge point and an edge to the upper housing hinge plate is equal in distance from the hinge point to an inner edge perpendicular to the lower edge of the upper housing hinge plate as seen in Fig. 3.

As to claim 4, ends of the locking plate have convex portions (522) at respective hinge points, while a seat (332) at a lower edge of the upper housing hinge plate has a concave space (333) matching the convex portion of the locking plate and equal in distances from the hinge point at a lower and upper edge as seen in Figs. 4B and 5.

As to claim 6, the grill device includes upper and lower electro-thermal heating surfaces (42, 32), a control knob and supports at a bottom surface of the lower housing and a top surface of the upper housing as seen in Fig. 2.

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment of November 28, 2005 have been fully considered but they are not persuasive. In response to applicant's remarks that Wu fails to disclose or suggest every limitation as set forth in applicant's claims is respectfully disagreed upon by the Examiner. In particular, applicant argues that Wu fails to disclose or suggest rotatable arms as claimed. Here, the Examiner would like to point out column 3, lines 36-40 of Wu, which states the orientation of arms or pivots 433 relative to the upper housing and extend through an open space 333 of a pivot seat 332. This arrangement allows rotation of the upper housing relative to the lower housing, more importantly, since the pivots or arms are fixed to the upper housing, the pivots rotate relative to the lower housing via the pivot seat.

Next, applicant's remarks are directed to Wu failing to disclose or suggest a locking plate that is movably attached on the lower housing as claimed. Here too, the Examiner would like to point out column 3, lines 50-55, where a locking plate 52 is disposed at the lower housing and

moves in a transverse direction relative to the lower housing, thus meeting the limitation of a locking plate movably attached on the lower housing as set forth in applicant's claims.

Lastly, applicant argues Wu does not have a button that is linked with a movable locking plate as claimed. As stated in column 3, lines 50-55 the locking plate 52 moves. In column 3, lines 50-53, a pressing element or button 323 as interpreted by the Examiner is linked to the locking plate to actuate the movement of the locking plate. The pressing element of Wu meets a reasonable interpretation of one of many definitions defined by a button.

Therefore, for the explanation and reasoning described above the Examiner believes all of applicant's remarks have been fully addressed and applicant's arguments are found not to persuade removal of Wu as meeting the structural limitations of the claims as currently presented. Accordingly, claims 1-6 remain rejected as being unpatentable over Wu.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

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In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.

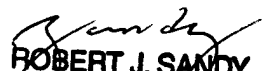
The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER